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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,154	11/09/2000	Gary Como.	10022/18	4580

33391 7590 05/03/2004

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,154

Applicant(s)

COMO. ET AL.

Examiner

Akiba K Robinson-Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 23-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/1/2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 11/9/00, the following is a first non-final office action. Due to a restriction requirement, claims 23-33 have been non-elected. Claims 1-22 are pending in this application and have been examined on the merits.

### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-22, drawn to market analysis, and demand forecasting, classified in class 705, subclass 10.
  - II. Claims 23-33, drawn to inventory management, classified in class 705, subclass 28.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as using requirement or demand indicating data to generate a business decision. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Dean McConnell on 3/12/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-22. Affirmation of this election must be made by applicant in replying to this Office action. Claims 23-33 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-6, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 6,115,690).

As per claim 1, Wong discloses:

obtaining requirement-indicating data of a first entity with respect to the transactional subject, (col. 42, lines 65-67, [using an order entry to identify items {products} required to be shipped]);

automatically transmitting the obtained requirement-indicating data from a first business entity to a second business entity over a communications network, (col. 45, lines 24-27, [modifications for product information made to a first business domain automatically reflecting the second business domain]);

generating a business decision of the first business entity and the second business entity based on the requirement-indicating data, Col. 48, lines 17-23 and lines 32-34, [using a decision-making environment pertaining to both a first party and a second party to take a prescribed action in relation to the selected business transaction record and changing a t least one field of the record within the database], w/ Col. 49, lines 11-12, [where the business decision is represented by shipping the installed items from an order that was received [requirement-indicating data}, and changing item records to reflect shipment])

Wong does not specifically teach "automatically feeding the transmitted requirement-indicating data into an electronic processor for monitoring the transactional subject, the electronic processor associated with the second business entity", however, this limitation is obvious with Wong since Wong teaches a computing environment to help carry out the process in col. 12, line 53-Col. 13, line 7. In computing environments, processors are necessary to operate on data associated with the transaction. Also, in Wong, the user has the ability to provide/access information electronically in Col. 45, lines 17-18. In addition, Col. 45, lines 45-46, teaches performing cross-checks between records/files belonging to different business domains; in this case, these cross-checks represent monitoring the transactional subject.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to automatically feed the transmitted requirement-indicating data into an electronic processor with the motivation of using the computing environment to process the transactional information.

As per claim 3, Wong discloses:

wherein the obtaining step comprises obtaining inventory-tracking data, the inventory-tracking data including at least one of consumption data and inventory data, (col. 24, lines 16-25, [available inventory]).

As per claim 4, Wong discloses:

wherein the generating step comprises generating an order as the business decision, the order being for the transactional subject based on the requirement-indicating data, (col. 48, lines 63-65, [preparing records of ordered items so orders can be received]).

As per claim 5, Wong discloses:

wherein the generating step comprises generating a shipping instruction as the business decision, the shipping instruction being for the transactional subject based on the requirement indicating data, (col. 49, line 7, [preparing records of installed items for shipping]).

As per claim 6, Wong discloses:

wherein the feeding step comprises feeding the transmitted requirement-indicating data into an enterprise resource planning system as the electronic processor,

(abstract, lines 1-14, [software facilitated by using a computing model, w/col. 11, lines 30-36, [system user entering information]]).

As per claim 8, Wong discloses:

wherein the transmitting step comprises transmitting superseding requirement-indicating data on an as-needed basis to replace prior requirement-indicating data at the second business entity, (col. 2, lines 11-29, [shows systems that operate on an as-need basis]).

5. Claims 2, 7, 9-13, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 6,115,690), and further in view of Huang et al (US 5,953,707).

As per claims 2, 21, Wong does not disclose "wherein the obtaining step comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the transactional subject", but does disclose obtaining requirement-indicating data in Col. 42, lines 65-67.

However, Huang et al discloses "wherein the obtaining step comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the transactional subject", (Col. 12, line 52-Col. 13, line 1, [using forecasts to manage demand requirements]). Huang et al discloses this limitation in an analogous art for the purpose of showing that demand data can be managed for different sources in order implement decision support.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate demand-indicating data into a decision support

system with the motivation of managing customer's requirements according to demand and/or forecast information.

As per claim 7, Wong fails to disclose wherein the obtaining step comprises comprising extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system, but does disclose obtaining requirement-indicating data in Col. 42, lines 65-67.

However, Huang et al discloses discloses:

wherein the obtaining step comprises comprising extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system, (Col. 10, lines 45-46 and lines 49-50, [shows component requirement in database]). Huang discloses this limitation in an analogous art for the purpose of showing that requirements need to be filled in order to obtain data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to extract a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system with the motivation of showing that requirements are necessary to access data.

As per claim 9, Wong fails to disclose wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity, but does disclose obtaining requirement-indicating data in Col. 42, lines 65-67.

However Huang discloses:



wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity, (Col. 83, line 64-Col. 85, line 25, [shows use of differential values used to express change with respect to normal distribution]). Huang discloses this limitation in an analogous art for the purpose of express change with respect to the normal distribution]).

It would have been obvious to one of ordinary skill in the art to transmit differential data for expressing a change with respect to prior requirement indicating data at the second business entity with the motivation of showing how change reflects the system data.

As per claim 10, Wong fails to disclose wherein the generating step comprises generating the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity, but does disclose obtaining requirement-indicating data in Col. 42, lines 65-67.

However Huang discloses:

wherein the generating step comprises generating the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity, (Col. 4, lines 47-62, [decision support], Col. 5, lines 51-52, [visual data exchange]

and Col. 5, line 66-Col. 6, line 1, [invoking a vertical decision support thread going through visual objects, decision logic, etc., Col. 35, lines 58-61, [generating longer term replenishment requirements]]. Huang discloses this limitation in an analogous art for the purpose of showing that the requirement term can be adjusted accordingly.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity with the motivation of showing that time intervals can be adjusted with respect to requirement data.

As per claims 11, 12, Wong discloses:

Obtaining...-indicating data with respect to a transactional subject, (col. 42, lines 65-67, [using an order entry to identify items {products} required to be shipped]);

automatically transmitting the obtained...-indicating data from a first business entity to a second business entity over a communications network, (col. 45, lines 24-27, [modifications for product information made to a first business domain automatically reflecting the second business domain]);

generating a business decision of at least one of the first business entity and the second business entity based on the...-indicating data, Col. 48, lines 17-23 and lines 32-34, [using a decision-making environment pertaining to both a first party and a second party to take a prescribed action in relation to the selected business

transaction record and changing at least one field of the record within the database], w/ Col. 49, lines 11-12, [where the business decision is represented by shipping the installed items from an order that was received [requirement-indicating data}, and changing item records to reflect shipment])

Wong does not specifically teach "automatically feeding the transmitted demand-indicating data into an electronic processor for monitoring the transactional subject, the electronic processor associated with the second business entity", however, this limitation is obvious with Wong since Wong teaches a computing environment to help carry out the process in col. 12, line 53-Col. 13, line 7. In computing environments, processors are necessary to operate on data associated with the transaction. Also, in Wong, the user has the ability to provide/access information electronically in Col. 45, lines 17-18. In addition, Col. 45, lines 45-46, teaches performing cross-checks between records/files belonging to different business domains; in this case, these cross-checks represent monitoring the transactional subject.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to automatically feed the transmitted demand-indicating data into an electronic processor with the motivation of using the computing environment to process the transactional information.

Wong doesn't disclose demand-indicating data or wherein the obtaining step comprises accessing the demand-indicating data in a database associated with an enterprise planning resource system, but does disclose requirement-indicating data in Col. 42, lines 65-67.

However, Huang et al discloses demand-indicating data in (Col. 12, line 52-Col. 13, line 1, [using forecasts to manage demand requirements]). Huang et al discloses this limitation in an analogous art for the purpose of showing that demand data can be managed for different sources in order implement decision support.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate demand-indicating data into a decision support system with the motivation of managing customer's requirements according to demand and/or forecast information.

As per claim 13, Wong does not specifically disclose wherein the obtaining step comprises updating demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day, but does disclose requirement-indicating data in Col. 42, lines 65-67.

However, Huang discloses:

wherein the obtaining step comprises updating demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day, (Col. 94, lines 29-33, [modify demand distributions]). Huang discloses this limitation in an analogous art to show that demand data can be changed accordingly.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to update demand-indicating data in the database on a daily basis with the motivation of having the database reflect the most recent values for demand data.

As per claim 18, Wong discloses:

displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity, (Col. 7, lines 17-19, [display any Web user special request]).

As per claims 19 and 20, Wong discloses:

wherein the business decision comprises deciding to change the manufactured quantity of a material as the transactional subject/ wherein the business decision comprises deciding to change a supply of material to fulfill a firm demand derived from the demand-indicating data, (Col. 27, lines 14-20, [eliminate related "no partial" items]).

As per claim 22, Wong discloses:

wherein the first business entity represents a customer of the material as the transactional subject and wherein the second business entity represents a supplier of the material, (col. 47, lines 9-11, [where the 1<sup>st</sup> business in Wong is analogous to the 2<sup>nd</sup> business in the present invention (supplier), and the 2<sup>nd</sup> business in Wong is analogous to the 1<sup>st</sup> business in the present invention (purchaser/customer).

6. Claims 14-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 6,115,690), and further in view of Huang et al (US 5,953,707), and further in view of Bowman-Amuah (US 6,640,249).

As per claim 14, Wong fails to disclose the following, but does disclose requirement-indicating data in Col. 42, lines 65-67.

However, Huang discloses:

extracting a relevant portion of the demand-indicating data from the

database, (Col. 223, lines 20-23, [demand information is stored in database], w/ col. 41, lines 40-51). Huang discloses this limitation in an analogous art for the purpose of showing that demand data can be readily retrieved.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to extract a relevant portion of demand-indicating data from a database with the motivation of retrieving the demand data and making a business decision in relation to the retrieved data.

Neither Wong nor Huang disclose the following:

formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document.

However Bowman-Amuah discloses this limitation in col. 1, lines 56-67 where on-demand delivery of information is tracked and the requested document is delivered in a hypertext markup language form. Bowman-Amuah discloses this limitation in an analogous art for the purpose of showing that documents can be retrieved by way of a common format used in networks such as the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to format demand-indicating data with the motivation of putting the demand-indicating data in a form where it can be easily transmitted and accessed over a network.

As per claim 15, neither Wong nor Huang disclose wherein the transmitting step comprises transmitting the extensible mark-up language document as the demand--

indicating data over the communications network, however Wong does disclose a system that utilizes requirement –indicating data in Col. 42, lines 65-67.

However, Bowman-Amuah discloses:

wherein the transmitting step comprises transmitting the extensible mark-up language document as the demand-indicating data over the communications network, (Col. 68, lines 2-9 and lines 16-24 [HTTP], w/ Col. 1, lines 56-63). Bowman-Amuah discloses this limitation in an analogous art for the purpose of showing that the demand-indicating data can be accessed by a user via HTTP.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmit the extensible mark-up language document as the demand-indicating data over the communications network with the motivation of making the demand-indicating data user-accessible.

As per claim 16, neither Wong nor Huang disclose receiving the transmitted extensible mark-up language document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system, but Wong does disclose a Web-enabled business-to business software system that utilizes requirement –indicating data in the abstract, lines 1-5, Col. 42, lines 65-67.

However, Bowman-Amuah discloses:

receiving the transmitted extensible mark-up language document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system, (Col. 44, lines 45-55, [translation services]).

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Bowman-Amuah discloses this limitation in an analogous art for the purpose of showing that different parts of the system can receive and interpret data from the document.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receiving the transmitted extensible mark-up language document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system with the motivation of allowing the transmitted document to be utilized throughout the network.

As per claim 16, neither Wong nor Huang disclose wherein the transmitting step transmits the demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day, but Wong does disclose a Web-enabled business-to business software system that utilizes requirement – indicating data in the abstract, lines 1-5, Col. 42, lines 65-67.

However, Bowman-Amuah discloses:

wherein the transmitting step transmits the demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day, (col. 71, lines 41-51, [streaming]). Bowman-Amuah discloses this limitation in an analogous art for the purpose of keeping the database updated with the most recent data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to transmits the demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day with the motivation of keeping an up-to-date database.





**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
A. R. B.  
April 28, 2004

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600